

TRIAL PROCEDURES IN JUDGE HELLER'S COURT

A. Estimate of Trial Length

1. Prior to trial, counsel shall complete and submit the court's [Estimate of Witness Examinations](#).
2. Jurors frequently complain about repetitive testimony. Accordingly, after reviewing the parties' list of witnesses, the Court will inquire as to the substance of each witness's testimony, whether witnesses are cumulative, and whether stipulations may suffice.

B. Witnesses

1. Have witnesses available to fill the entire court day.
2. Call witnesses promptly; do not engage in discussions outside the courtroom that delay court proceedings.
3. All witnesses must be provided with copies of Orders on Motions in Limine prior to their testimony and an explanation regarding limitations on their testimony.
4. Do not ask repetitive questions, such as those prefaced by "just so that I'm clear on what you just said..."
5. Stand when you address witnesses.
6. It is not necessary to request permission to approach a witness with exhibits. Once that is done, counsel should leave the witness stand.
7. At the end of each court day, be prepared to advise the Court and opposing counsel of the witnesses you plan on calling the following day.
8. Limit side bars to unanticipated issues. Most evidentiary issues should be discussed pretrial during the motions in limine hearing.

C. The Jury

1. Do not directly interact with or speak to the jury during the course of the trial (except during voir dire, opening statement and closing argument) and advise your witnesses of this instruction.
2. If you wish to publish an exhibit to the jury, ask the court's permission before doing so.
3. Do not show or ask your witness to show anything to the jury, whether a document, demonstrative piece of evidence or other object, unless it has been admitted as an exhibit.

D. Court Orders

1. If you believe that the "door has been opened" on a subject that has previously been ruled upon, you must first raise the issue outside the presence of the jury with the court; you may not make an independent determination that the order is no longer in effect.

E. Form of Objection

1. Stand when you object and state the succinct basis of your objection, e.g., irrelevant, calls for hearsay, asked and answered.
2. Do not make “speaking” objections.
3. Opposing counsel should not respond to an objection unless requested to do so by the Court. If you agree with the objection, state that you will rephrase BEFORE doing so.
4. Do not speak over opposing counsel, witnesses or the Court and advise your witnesses of this instruction.

F. Interaction Between Counsel and the Judge

1. Stand when you address the Court.
2. Do not interrupt the Court.
3. Do not confer with your client or co-counsel while the Court is speaking.
4. Address your comments to the Court, not to one another.

G. Use of Courtroom

1. You may move around the courtroom when examining witnesses, but keep a respectful distance from the witness.
2. When court recesses at lunch and at the end of the day, please exit the courtroom as quickly as possible. Court staff cannot leave the courtroom unattended and have other non-trial responsibilities outside the courtroom.

H. Exhibits

1. Address the admissibility of problematic exhibits pretrial.
2. Anything given to a witness must be marked as an exhibit.
3. Anything shown to the jury must first be admitted as an exhibit.
4. Absent counsels’ stipulation, illustrative exhibits do not go to the jury room.

I. Closing Argument

1. Do not allude to any matter that has not been admitted into evidence.
2. Do not assert personal knowledge of facts.
3. Do not state a personal opinion regarding the justness of a cause, the credibility of a witness, the culpability of a civil litigant or the guilt or innocence of an accused. You may argue based on your analysis of the evidence for any position or conclusion regarding these matters.
4. Do not ask the jury to put themselves in the position of your client.
5. Do not refer to similar cases and the amount of damages awarded in those cases during closing argument.